

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH BENTON GASKINS,

Plaintiff,

v.

ANTERO RESOURCES CORPORATION,

Defendant.

Case No. [22-cv-00971-JSC](#)

ORDER OF TRANSFER

Plaintiff, a California prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983.¹ Plaintiff is located at Coalinga State Hospital in Coalinga, California. He claims that Defendant, a corporation in Denver, Colorado, has failed to pay him for mineral rights on his real property in Doddridge County, West Virginia.

Venue for a federal civil action is proper in a judicial district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a).

Venue is not proper in this district because no defendant resides in this district, the events or omissions giving rise to the claim did not occur in this district, and the property that is the subject of this action is not located here. Under Section 1391(b), venue is proper either in the District of Colorado, where Defendant resides, or in the Northern District of West Virginia, where

¹ Plaintiff has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 2.)

1 the real property that is the subject of Plaintiff's claim is purportedly located. *See* 28 U.S.C. §§
2 85, 129(a). In the interest of justice, and pursuant to 28 U.S.C. § 1406(a), this case is
3 TRANSFERRED to the District of Colorado, where Defendant is located.

4 The Clerk of the Court shall transfer this matter forthwith.

5 **IT IS SO ORDERED.**

6 Dated: February 22, 2022

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9 JACQUELINE SCOTT CORLEY
United States Magistrate Judge

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United States District Court
Northern District of California